

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

2006 DEC 28 P 2:04

December 28, 2006

Memo To Counsel Re: William C. Dunston, Sr., et al. v. L. Perrigo Co., et al.
Civil No. JFM-06-1732

Dear Counsel:

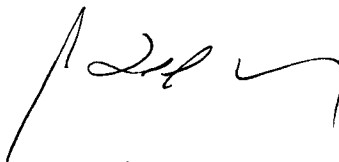
I have reviewed the memoranda submitted in connection with defendants' motion for a qualified protective order.

Defendants' motion is granted. I am satisfied that defendants' proposed qualified protective order complies with HIPAA requirements and sufficiently protects the confidentiality interests of plaintiff that the regulations are intended to protect. My ruling is wholly in accord with Judge Day's well reasoned opinion in *Law v. Zuckerman*, 307 F. Supp. 2d 705 (D. Md. 2004) (which has been favorably cited by numerous other courts) because in *Law* the defendant had sought to have *ex parte* contacts with plaintiff's health care providers without first obtaining a qualified protective order from the court.

I am, however, adding this following language at the end of the second sentence in paragraph 4 of defendants' proposed order: "provided, however, that plaintiffs' counsel may insist upon being present if plaintiffs' health care providers agree to a discussion with defense counsel only upon the condition that plaintiffs' counsel be present."

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,



J. Frederick Motz
United States District Judge